



HOUSE COMMITTEE BACKS SENATE ON FOREIGN AGREEMENTS

The House Foreign Affairs Committee Aug. 3 reported without amendment a bill (S 596—H Rept 92-1301) requiring the executive branch to submit to Congress the texts of all international agreements.

The Senate had approved S 596 Feb. 16 by an 81-0 roll-call vote. (*Weekly Report* p. 458, 219)

The bill, which reflected congressional discontent with executive dominance in foreign policymaking, was intended to give Congress access to the contents of all executive agreements concluded between the United States and other nations.

By approving the bill, the Foreign Affairs Committee gave its support to efforts to assert a larger role for Congress in foreign policymaking. The efforts have been led by the Senate Foreign Relations Committee, which originally reported S 596.

Sen. Clifford P. Case (R N.J.), chief sponsor of the bill, and other supporters contended that increasing reliance on executive agreements, including some kept secret from Congress, had undermined the Senate's traditional constitutional role in advising and consenting to ratification of treaties.

Provisions. As reported, S 596 directed the secretary of state to transmit to Congress within 60 days of execution the text of any agreement—other than a treaty—with another nation.

If the President determined that public disclosure of the agreement would prejudice national security, the bill required that the text of the agreement be sent to the Senate Foreign Relations Committee and to the House Foreign Affairs Committee “under an appropriate injunction of secrecy to be removed only upon due notice from the President.”

Administration Position. The State Department had opposed S 596 until its unanimous approval by the Senate. The department had then told Congress that the administration would no longer oppose the bill.

Committee Views. State Department witnesses had conceded, the committee noted in its report, that “the Congress has not always been kept adequately informed about the international executive agreements entered into by the President and officials of the executive branch.

“Each incident in which such secret agreements become known create tensions and irritations between the Congress and the executive branch which severely inhibit carrying out an effective foreign policy,” the committee added.

“S 596 is a step toward restoring a proper working relationship between the Congress and the executive branch in the field of foreign affairs.

“The right of the President to conclude executive agreements is not in question...or in any way affected by S 596. Thus, the bill in no way transgresses on the independent authority of the executive in the area of foreign affairs.”

“Executive agreements no less than treaties bind the United States of America as a whole nation...under international law.”

Related Development. Language cutting off funds for implementing a 1971 executive agreement between the United States and Portugal was included by the Foreign Affairs Committee in its version of the fiscal 1973 foreign military assistance bill (HR 16029). (*Weekly Report* p. 1956)

WAR POWERS

The House Foreign Affairs Committee Aug. 3 reported an amended bill (S 2956—H Rept 92-1302) reaffirming the war powers of Congress and the President.

The committee deleted the provisions of the Senate-passed bill and substituted war powers legislation less restrictive of the President's powers which had been passed twice before by the House.

As reported by the Foreign Affairs Committee, S 2956 was identical to H J Res 1, passed by the House by voice vote on Aug. 2, 1971, and similar to H J Res 1355, passed by a 288-39 roll-call vote on Nov. 16, 1970. (1971 *Almanac* p. 380, 1970 *Almanac* p. 968)

The committee reported the revised version of S 2956 to make possible a conference on differences between the House and the Senate version, which placed strict limits on the President's use of U.S. armed forces without prior congressional authorization. The Foreign Affairs Committee, in reporting both H J Res 1 and H J Res 1355, rejected proposals similar to the Senate bill.

The Nixon administration was firmly opposed to the Senate bill but said it could accept the House provisions as approved in H J Res 1355 and H J Res 1.

As passed by the Senate, S 2956 codified the limited circumstances under which the President without prior approval from Congress could commit U.S. forces to combat or to situations where combat was likely. Troops deployed by the President on his own authority would have to withdraw after 30 days unless Congress by legislation had approved their use. (*Weekly Report* p. 918, 827, 638, 405)

As reported by the House committee, in contrast, S 2956 would require only that the President report to Congress whenever he acted without prior congressional authorization to commit U.S. forces to hostilities, to send combat-equipped forces overseas or to enlarge forces already stationed abroad. It urged but did not require the President to consult Congress if possible before taking such action.

After the Senate passed S 2956 on April 13, the Senate Foreign Relations Committee April 20 reported H J Res 1 adversely. Opponents of the Senate bill blocked consent to amend H J Res 1